

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 698-46, 747-762)	WT Docket No. 06-150
and 777-792 MHz Bands)	
)	
Former Nextel Communications, Inc.)	WT Docket No. 06-169
Upper 700 MHz Guard Band)	
Licenses and Revisions to Part 27 of)	
The Commission's Rules)	
)	
Implementing a Nationwide, Broadband,)	PS Docket No. 06-229
Development of Operational, Technical)	
Interoperable Public Safety Network in)	
The 700 MHz Band)	
)	
Development of Operational, Technical and)	WT Docket No. 96-86
Spectrum Requirements for Meeting Federal, State)	
and Local Public Safety Communications)	
Requirements Through the Year 2010)	
)	
To: The Commission		

**COMMENTS
OF THE
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance ("EWA" or the "Alliance"), in accordance with Section 1.425 of the Federal Communications Commission ("FCC" or "Commission") Rules and Regulations, respectfully submits its comments in response to the Further Notice of Proposed Rulemaking in the above-entitled proceeding.¹ The FNPR consolidates in a single proceeding a number of interrelated matters that affect the 700 MHz band. The Commission is seeking to

¹*Report and Order and Further Notice of Proposed Rulemaking*, WT Docket Nos. 96-86, 03-109, 03-264, 06-150 and 06-169, CC Docket No. 94-102 and PS Docket No. 06-229 (rel. Apr. 27, 2007) ("R&O") or ("FNPR" or "Notice").

resolve issues that will impact the future use of this band by public safety entities, Commercial Mobile Radio Service (“CMRS”) providers and Guard Band licensees, issues that were raised initially in their respective rulemaking proceedings. Because this band has propagation characteristics that are highly favorable for wireless services, in particular mobile services, and because it contains sufficient contiguous spectrum to support multiple broadband operations, the FCC is correct to conclude that the decisions it makes with respect to its use will have far-reaching consequences, not only for 700 MHz licensees, but for the public they serve in their respective capacities.

I. INTRODUCTION

EWA represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers, all of which use or provide wireless telecommunications products or services. Its members are among the largest users of Part 90 frequencies and are required by the FCC to derive intensive use of the spectrum on which they operate. They are in the process of migrating from 25 kHz to 12.5 kHz and even 6.25 kHz or equivalent channels in the bands below 512 MHz, thereby maximizing productive use of that spectrum.

At the same time, however, the Alliance’s members recognize that the wireless industry generally, in particular the operators of large commercial networks, have identified broadband as the technology of the future for many wireless applications. EWA and its constituents have identified promising broadband opportunities in bands such as 3.65 GHz and are persuaded that these technologies hold extraordinary promise for promoting intensive spectrum utilization when spectrum is made available in broad contiguous allocations under a regulatory framework that promotes flexibility. For that reason, EWA strongly supports this Commission initiative and

recommends that rules that promote broadband deployment in the 700 MHz band be adopted expeditiously.

II. THE FCC SHOULD CONTINUE ITS POLICY OF PROVIDING ENHANCED FLEXIBILITY AND PROMOTING BROADBAND DEPLOYMENT IN THE 700 MHz BAND

In the Report and Order portion of this proceeding, the Commission adopted rules that greatly enhanced the regulatory structure for 700 MHz Guard Band licensees, an important step in promoting the more intensive use of this valuable spectrum.² The Guard Band regulatory framework was a forerunner of the FCC's more comprehensive "secondary licensing" concept wherein the Commission granted many categories of licensees substantial flexibility in leasing their spectrum on either a short-term or long-term basis, under different standards of licensee control.³ Because the Guard Band licenses were the "first generation" of what then was an entirely novel regulatory structure, and because their primary purpose was to provide an interference buffer between narrowband public safety systems and the anticipated broadband Commercial Mobile Radio Service ("CMRS") networks in the 700 MHz band, the rules governing Guard Band spectrum were significantly more restrictive than the later-adopted spectrum leasing rules applicable to other services.

The Commission concluded correctly in the R&O that it now is appropriate to:

...replace the Guard Band Manager regime in favor of the spectrum leasing policies and rules adopted in the Secondary Markets proceeding, and remove certain use and eligibility restrictions regarding licensee operations and leasing to affiliates to encourage the most effective and efficient use of the Guard Bands spectrum.⁴

² R&O at ¶ 151-168. The Association had filed in support of the regulatory flexibility proposed by the Commission for Guard Band spectrum. See WT Docket No. 06-169, Comments of EWA filed Oct. 23, 2006.

³ See Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets, *Report and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 20604 (2003).

⁴ R&O at ¶ 156.

EWA agrees with this FCC decision. The experience gained in spectrum leasing confirms that less restrictive measures promote more intensive spectrum utilization and should be applied to the Guard Band spectrum as well. By maintaining the existing rules governing coordination requirements, the Commission can be confident that, to the extent required under whatever 700 MHz band plan the FCC adopts in the FNPR portion of this proceeding, facilities within the Guard Bands still will provide all necessary interference protection to 700 MHz public safety operations.

The FCC's decisions with respect to the Guard Band spectrum are consistent with its further efforts to promote efficient utilization of this highly valuable spectrum. To that end, EWA already has endorsed the FCC's proposal to adopt rules that will facilitate deployment of a nationwide 700 MHz broadband public safety network and to make such other regulatory changes as will permit reliance on public/private partnership arrangements in support of that objective.⁵

The actions taken in the FNPR are intended to further that end, and the Association supports them as well. It reaffirms its position that the public safety community would be well served by having access to a nationwide, IP-based, interoperable broadband network at 700 MHz built by a commercial operator(s) pursuant to an economically sustainable partnership between Public Safety and that operator(s). It also agrees with the FCC and with numerous public safety organizations and agencies that the license for a nationwide public safety broadband allocation should be held by a single entity that is representative of the broad public safety community.

⁵ See PS Docket No. 06-229, EWA Comments filed Feb. 26, 2007. In the instant FNPR, the Commission has requested comment on the proposal submitted by Frontline Wireless, LLC that contemplates a partnership between the national public safety licensee and the auction winner of what Frontline has labeled the "E Block" spectrum at 700 MHz.

The regulatory structure proposed in the instant FNPR holds great promise for the fulfillment of this important public policy objective and has the Association's strong support.

Finally, EWA also endorses the Commission's efforts to develop an improved 700 MHz band plan, one that reflects the Guard Band regulatory changes mentioned above, as well as the proposed changes in the configuration of public safety's 24 MHz allocation in this band. It is important that all spectrum be used as efficiently as possible for the provision of important services, whether to public safety users, enterprise users or general consumers. The FCC has an opportunity in this proceeding to revisit the 700 MHz band plan and revise it in accordance with the evolving technologies that will be deployed at 700 MHz. The Association is confident that the Commission will adopt a band plan that will advance the important policy goals set out in the FNPR for the benefit of the general public.

Respectfully submitted,

ENTERPRISE WIRELESS ALLIANCE

/s/

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